

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

EILEEN DEBORAH HARRIS, )  
|  
PLAINTIFF )  
|  
v. ) CIVIL No. 2:13-cv-124-DBH  
|  
|  
JO-ANN STORES INC., )  
|  
DEFENDANT )

**DECISION AND ORDER ON DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

The plaintiff's claim for retaliation, Count 3, is **DISMISSED**, as the plaintiff agreed at the Local Rule 56 Conference on December 4, 2013. The defendant's motion for summary judgment on the other two counts, age discrimination and gender discrimination under the Maine Human Rights Act, is **DENIED**. Whatever a jury might conclude, in the summary judgment record there are genuine issues of material fact on the bases for the plaintiff's termination, and there is sufficient evidence of pretext to avoid summary judgment in the defendant's favor.

**So ORDERED.**

**DATED THIS 3<sup>RD</sup> DAY OF MARCH, 2014**

/S/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**